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10/667,690

09/22/2003

Andrew Doddington

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03/15/2006

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EXAMINER

LOVEL, KIMBERLY M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/667,690 | Applicant(s) DODDINGTON, ANDREW | |
| | Examiner Kimberly Lovel | Art Unit 2167 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. Claims 1-16 are pending.
2. Claims 1-16 are rejected.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 fails to produce a useful, concrete and tangible result. The method populates the data set of the business layer and the

presentation layer. The end result is a data structure per se which fails to be concrete and tangible. Claims 2-10 inherit the deficiencies of claim 1, and fail to cure them.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No 6,615,258 to Barry et al (hereafter Barry et al).

Claim 1:

Referring to claim 1, Barry et al disclose a method for use in a distributed processing system to effect an interface between a business layer and a presentation layer (see abstract) comprising:

defining a data set structure for use in both the business layer and the presentation layer, said data set structure comprising hierarchical organizational information for data and functions (see column 30, line 60 – column 31, line 32);

populating a business layer data set in said business layer according to said data set structure, said business layer data set comprising data and functions available for

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use in said business layer (see column 6, lines 36-39; column 6, line 55 – column 7, line 4); and

populating a presentation layer data set in said presentation layer according to said data set structure from said business layer data set, said presentation layer data set comprising data and functions available for use in said presentation layer (see column 45, line 46 – column 46, line 7; and Fig 18 – the Client View System).

Claim 2:

Referring to claim 2, Barry et al disclose a method in accordance with claim 1 wherein defining a data set structure comprises defining a plurality of items comprising a plurality of data items and a plurality of function items (see column 6, line 55 – column 7, line 4).

Claim 3:

Referring to claim 3, Barry et al disclose a method in accordance with claim 2 wherein defining a plurality of data items comprises defining a data value for each of said plurality of data items (see column 30, lines 53-59).

Claim 4:

Referring to claim 4, Barry et al disclose a method in accordance with claim 2 wherein defining a plurality of data items comprises defining a domain for each of said plurality of data items (see column 36, lines 4-19).

Claim 5:

Referring to claim 5, Barry et al disclose a method in accordance with claim 4 wherein defining a domain for each of said data items comprises defining a domain

home for each of said plurality of data items (see column 41, line 37 – column 42, line 13).

Claim 6:

Referring to claim 6, Barry et al disclose a method in accordance with claim 4 wherein defining a domain for each of said data items comprises defining a context for each of said plurality of data items (see column 42, lines 23-58).

Claim 7:

Referring to claim 7, Barry et al disclose a method in accordance with claim 4 wherein defining a domain for each of said data items comprises defining a range domain for each of said plurality of data items (see column 41, line 37 – column 42, line 58).

Claim 8:

Referring to claim 8, Barry et al disclose a method in accordance with claim 4 wherein defining a domain for each of said plurality of data items comprises defining a discrete domain for each of said plurality of data items (see column 41, line 37 – column 42, line 58).

Claim 9:

Referring to claim 9, Barry et al disclose a method in accordance with claim 2 wherein defining a plurality of function items comprises defining a function for each of said plurality of function items (see column 7, lines 58-65 and column 24, lines 36-49).

Claim 10:

Referring to claim 10, Barry et al disclose a method in accordance with claim 2 wherein defining a plurality of function items comprises defining a function set for each of said plurality of function items (see column 7, lines 58-65 and column 24, lines 36-49).

Claim 11:

Referring to claim 11, Barry et al disclose an apparatus for use in a distributed data processing system (see abstract) comprising:

a data set for storing available data and identification of function calls (see column 30, line 60 – column 31, line 32);

a presentation layer configured to store data and identification of function calls that are available for use by a user in accordance with said data set (see column 6, lines 36-39; column 6, line 55 – column 7, line 4); and

a business layer configured to store data and identification of function calls that are available for use by said presentation layer in accordance with said data set (see column 45, line 46 – column 46, line 7; and Fig 18 – the Client View System).

Claim 12:

Referring to claim 12, Barry et al disclose an apparatus in accordance with claim 11 wherein said presentation layer is further configured to request data and identification of function calls from said business layer and to store said data and identification of function calls in accordance with said data set so that data and identification of function calls of said business layer can be available to said

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presentation layer (see abstract; column 3, lines 42-63; column 6, line 55 – column 7, line 57; Fig 1; and Fig 2).

Claim 13:

Referring to claim 13, Barry et al disclose an apparatus in accordance with claim 12 wherein said business layer comprises a plurality of processors wherein each of said processors is configured to store data and identification of function calls that are available for use by said presentation layer in accordance with said data set wherein each of said processors provides unique data and identification of function calls to said presentation layer (see abstract; column 3, lines 42-63; column 6, line 55 – column 7, line 57; Fig 1; and Fig 2).

Claim 14:

Referring to claim 14, Barry et al disclose an apparatus in accordance with claim 13 wherein business layer function calls are available to said presentation layer for execution at said presentation layer via said data set (see abstract; column 3, lines 42-63; column 6, line 55 – column 7, line 57; Fig 1; and Fig 2).

Claim 15:

Referring to claim 15, Barry et al disclose an apparatus in accordance with claim 13 wherein business layer function calls are available to said presentation layer for execution at said business layer via said data set (see abstract; column 3, lines 42-63; column 6, line 55 – column 7, line 57; Fig 1; and Fig 2).

Claim 16:

Referring to claim 16, Barry et al disclose an apparatus in accordance with claim 13 wherein business layer function calls are available at said presentation layer for execution at both said presentation layer and at said business layer via said data set (see abstract; column 3, lines 42-63; column 6, line 55 – column 7, line 57; Fig 1; and Fig 2).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US PGPub 2003/0182458 to Ali et al which is directed towards generating a decoupled presentation layer in an application.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Lovel
Examiner
Art Unit 2167

kml
3 March 2006


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SUPERVISORY PATENT EXAMINER
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